UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 03-22046-CIV-WILLIAMS

JUAN A. SALINAS and
LUCILA FUENTES,

Plaintiff,

vs.

SUE ANN RAMSEY and
HILDA RAMSEY,

Defendants.
_______________________/

ORDER

THIS MATTER is before the Court on Plaintiff Juan Salinas' motion for reconsideration (DE 51) of the Court's order denying his motion to compel. (DE 50). In this case, Judge Jordan entered a final judgment in favor of Plaintiffs Salinas and Lucila Fuentes on September 24, 2004 following a jury trial that found Defendant Sue Ann Ramsey liable for money damages under the Fair Labor Standards Act. (DE 38). The Court subsequently issued two writs of execution on the judgment against Defendant Ramsey, first on November 23, 2004 (DE 43), and again on April 6, 2005. (DE 45). On May 15, 2015 – more than ten years after the second writ issued – Plaintiff Salinas moved to compel discovery on the writ. (DE 46). The Court denied Plaintiff's motion as time barred by the five-year statute of limitations period based on the Eleventh Circuit's reasoning in *Balfour Beatty Bahamas, Ltd. v. Bush*, 170 F.3d 1048 (11th Cir. 1999). Plaintiff's motion asks the Court to reconsider that order.

The only grounds for granting a motion to reconsider are newly discovered evidence or the need to correct manifest errors of law or fact. *Smith v. Ocwen*

Financial, 488 Fed. App'x 426, 428 (11th Cir. 2012). A motion to reconsider cannot be used to re-litigate old matters or raise arguments or present evidence that could have been raised prior to the entry of judgment. *Id.*

Plaintiff has not presented any newly discovered evidence or even so much as a reason for why his counsel, Mr. Jamie H. Zidell, failed to pursue his client's writ of execution for more than a decade.[1] Nor does the Court find a manifest error of law in applying the five-year statute of limitations to Plaintiff's "attempt to enforce a district court judgment, entered in the Southern District of Florida, in the same district court." *Balfour*, 170 F.3d at 1051. Therefore, it is **ORDERED AND ADJUDGED** that Plaintiff's motion for reconsideration (DE 51) is **DENIED.**

DONE AND ORDERED in chambers in Miami, Florida, this 21st day of January, 2016.

KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

[1] The Court notes that, according to the District's CM/ECF records, Mr. Zidell has brought more than 1,000 FLSA claims in this jurisdiction.